



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA: 16-357

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CONSUMER AND GOVERNMENTAL AFFAIRS, WIRELINE COMPETITION, AND WIRELESS TELECOMMUNICATIONS BUREAUS APPROVE OPEN INTERNET BROADBAND CONSUMER LABELS

GN Docket No. 14-28

With this Public Notice, the Consumer and Governmental Affairs, Wireline Competition, and Wireless Telecommunications Bureaus (Bureaus) approve, with modifications, the consumer broadband labels proposed by the Commission's Consumer Advisory Committee (CAC). The CAC proposed the labels pursuant to the *2015 Open Internet Order* and, as required by the Commission, the labels will operate as a safe harbor format for broadband providers once the enhanced transparency requirements take effect.¹

In the *2015 Open Internet Order* the Commission enhanced the rule governing broadband providers' disclosure of commercial terms, network performance, and network management practices.² The Commission found that consumers need an easy way to understand provider prices, performance, and network practices and required that providers convey the required information in a simple-to-understand format that would enable consumers to compare services of different broadband providers.³

The Commission referred the matter to the CAC to recommend a format that would operate as a safe harbor for the required disclosure format.⁴ The Commission found that the CAC, which is composed of industry and consumer interests, with its experience with consumer disclosure issues was "an ideal body to recommend a disclosure format that should be clear and easy to read – similar to a nutrition label – to allow consumers to easily compare the services of different providers."⁵ The deadline for the CAC recommendation was October 31, 2015, and the Commission delegated to the Bureaus authority to issue a Public Notice announcing whether the CAC's proposal meets its expectations for the safe harbor.⁶

¹ *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5881, para. 585 (2015) (*2015 Open Internet Order*). The Commission has begun the process of obtaining OMB approval for the enhancements and will publish a notice in the Federal Register announcing that approval and the effective date. *See id.*

² *Id.* at 5669-81, paras. 154-81.

³ *See, e.g., id.* at 5672, paras. 162-63.

⁴ *Id.* at 5680-81, paras. 179-80. As explained in the *2015 Open Internet Order*, while the use of the broadband labels is a safe harbor with respect to the format of the required disclosure to consumers, a broadband provider meeting the safe harbor could still be found to be in violation of the transparency rules if, for example, the content of a disclosure (e.g., prices) is misleading or inaccurate, or the provider makes misleading or inaccurate statements in another context, such as advertisements or other statements to consumers. *Id.* at 5681, para. 181. We emphasize that to benefit from the safe harbor providers must use the format and terms as they appear in the Attachment.

⁵ *Id.* at 5680, para. 179.

⁶ *Id.* at 5680-81, para. 180.

The CAC submitted its proposed labels, one for fixed broadband and one for mobile broadband, and supporting materials on October 26, 2015.⁷ The CAC states its Disclosure Task Force met more than 20 times to discuss and develop the proposed labels, and that the CAC voted for the proposed labels unanimously.⁸ The Bureaus find that the CAC's proposed labels substantially fulfill the goals of the *2015 Open Internet Order* by providing a simple-to-understand format describing the key factors consumers need to know when considering broadband service, including: price, data allowances, speeds, and management practices, among other things. We find the proposed format displays these terms in plain language that is easy to understand without overwhelming consumers with too much information.

We therefore find that, with the changes incorporated into the attached labels and instructions attached to this Public Notice, the CAC's proposed labels should operate as the safe harbor for the format and nature of the required disclosure to consumers prescribed in the *2015 Open Internet Order*.⁹ The changes are consistent with the Order's directive that the labels be similar to a nutrition label¹⁰ and the CAC's recommendation that the Commission use design expertise to make the labels consumer-friendly.¹¹ We reiterate and remind broadband providers that the labels must be provided in accessible formats.¹² While the labels in the attachment may be used as a safe harbor after the enhanced transparency rules have taken effect, broadband providers may of course begin using the labels before that time and we encourage them to do so.

FOR FURTHER INFORMATION CONTACT: Jerusha Burnett, Consumer and Governmental Affairs Bureau, Federal Communications Commission, (202) 418-0526; Jerusha.Burnett@fcc.gov.

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⁷ See FCC Consumer Advisory Committee Recommendation, Broadband Consumer Disclosures, submitted October 26, 2015, available at <https://www.fcc.gov/encyclopedia/consumer-advisory-committee-recommendations-2014-thru-2016>.

⁸ See *id.*

⁹ See *2015 Open Internet Order*, 30 FCC Rcd at 5680, para. 179.

¹⁰ *Id.* at 5680, para. 179.

¹¹ See CAC Broadband Label Recommendation at 8, https://apps.fcc.gov/edocs_public/attachmatch/DOC-336136A1.pdf.

¹² See *2015 Open Internet Order* at 5680, para. 180. As part of its recommendation, the CAC also suggested approaches for accessibility. See Consumer Advisory Committee Recommendation, Broadband Consumer Disclosures, Section V, Disability Access available at https://apps.fcc.gov/edocs_public/attachmatch/DOC-336136A1.pdf.

Fixed Broadband Consumer Disclosure
Blank Label

Broadband Facts

Fixed broadband consumer disclosure

Choose Your Service Data Plan for

Monthly charge for month-to-month plan

Monthly charge for 2 year contract plan

Click here for other [pricing options](#) including promotions and options bundled with other services, like cable television and wireless services.

Other Charges and Terms

Data included with monthly charge

Charges for additional data usage

Optional modem or gateway lease – Customers may use their own modem or gateway; click here for [our policy](#)

Other monthly fees

One-time fees

Government Taxes and Other Government-Related Fees May Apply: Varies by location

[Other services on network](#)

Performance - [Individual experience may vary](#)

Typical speed downstream

Typical speed upstream

Typical latency

Typical packet loss

Network Management

Application-specific network management practices?

Subscriber-triggered network management practices?

More [details on network management](#)

Privacy

See our [privacy policy](#)

Complaints or Inquiries

To contact us: [online](#)/(123)456-7890;

To submit complaints to the FCC:
[online](#)/(888)225-5322

Learn more about the [terms used on this form and other relevant information](#) at the FCC's website.

Fixed Broadband Consumer Disclosure Provider Instructions

Broadband Facts

Fixed broadband consumer disclosure

Choose Your Service Data Plan for *[provide name of speed tier offered]*

Monthly charge for month-to-month plan \$[]

[provide non-promotional price of stand-alone broadband service on a month-to-month basis]

Monthly charge for [] contract plan \$[]

[identify length of available long-term contracts – provide one row for each available option; provide price of stand-alone broadband service available under each long-term contract option]

Click here for other [pricing options](#) including promotions and options bundled with other services, like cable television and wireless services.

Other Charges and Terms

Data included with monthly charge [] GB

[if applicable, identify the monthly data allowance associated with this plan]

Charges for additional data usage – *[provide increment of additional data, e.g., “each additional 50GB”; if applicable, identify additional charges if the monthly data allowance is exceeded]* \$[]

Optional modem or gateway lease – Customers may use their own modem or gateway; click here for [our policy](#) \$[]/ month

[at underlined language provide a link to the company’s policy with respect to customers using their own equipment; provide the monthly rental fee for any equipment available for rent]

Other monthly fees

[identify any monthly fees that the company chooses to impose in connection with the purchase of broadband service, e.g., regulatory recovery fees]

One-time fees

[identify any one-time fees that the company chooses to impose in connection with the purchase of broadband service, e.g., installation fees and activation fees. if applicable, identify any fees that will be imposed if the customer cancels broadband service before the end of a long-term contract and provide a link to a full explanation of when such fees would be triggered; if applicable, include a statement that a deposit may be required based on credit history or other factors]

[provide name of and amount of each one-time fee on a row] \$[]

Government Taxes and Other Government-Related Fees May Apply: Varies by location

[provide this disclaimer using this language to notify consumers that additional taxes and fees mandated by, or attributable to, government programs will be imposed – specific taxes and fees need not be identified]

[Other services on network](#)

[if applicable, in this section provide a brief description of any non-BIAS services offered by the company that might cause the customer to experience reduced performance of their broadband service; at underlined language provide a link to a full explanation of when such a situation would occur and details regarding the anticipated effect on broadband performance]

Performance - [Individual experience may vary](#)

[at underlined language provide a link to a full discussion of network performance metrics]

Typical speed downstream [] Mbps

[identify typical peak usage period download speeds for this tier of service, consistent with the Open Internet Orders and FCC guidance]

Typical speed upstream [] Mbps

[identify typical peak usage period upload speeds for this tier of service, consistent with the Open Internet Orders and FCC guidance]

Typical latency [] milliseconds

[identify typical peak usage period latency for this tier of service, consistent with the Open Internet Orders and FCC guidance]

Typical packet loss

[]%

[identify typical peak usage period packet loss for this tier of service, consistent with the Open Internet Orders and FCC guidance]

Network Management

Application-specific network management practices?

Yes/ No

[answer yes or no; if yes, provide a brief description and a link to a full discussion that identifies application-specific network management practices, when such practices are triggered, and the effect such practices could have on performance]

Subscriber-triggered network management practices?

Yes/ No

[answer yes or no; if yes, provide a brief description and a link to a full discussion that identifies subscriber-triggered network management practices, when such practices are triggered, and the effect such practices could have on performance]

More [details on network management](#).

[at underlined language provide a link to the company's full disclosure of network management practices]

Privacy

[provide a link to the company's privacy policy for broadband services]

See our [privacy policy](#)

Complaints or Inquiries

[at underlined language provide a link to the primary customer service web page; provide a phone number for the company's customer service center]

To contact us: [online](#)/(123)456-7890;

[at underlined language provide a link to the FCC's complaint center; provide the phone number for the FCC's complaint center]

To submit complaints to the FCC:
[online](#)/(888)225-5322

Learn more about the [terms used on this form and other relevant information](#) at the FCC's website.

[at underlined language provide a link to the FCC's glossary web page]

Mobile Broadband Consumer Disclosure
Blank Label

Broadband Facts

Mobile broadband consumer disclosure

Device Compatibility

If you want to use your existing device, learn more about [compatibility](#).

If you want to obtain a device, learn more about [prices and other options](#).

Choose Your Data Plan - These prices do not include costs for obtaining a device from us.

	High Speed Data allowance per month		
	GB	GB	GB
Monthly charge			
When you exceed the data allowance			

Learn more about [other included services/features](#).

Additional pricing options, plans and promotions [can be found here](#).

[Coverage Map](#)

Charges and Terms Common to All Plans

Monthly fees

One-time fees

Government Taxes and Fees, and Other Carrier Surcharges May Also Apply: Varies by location

Performance - [Individual experience may vary](#)

G		G
Typical speed	•	Typical Speed
Typical latency	•	Typical latency
Typical Packet Loss	•	Typical Packet Loss

Network Management

Application-specific network management practices?

Subscriber-triggered network management practices?

More [details on network management](#)

Privacy

See our [privacy policy](#)

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Mobile Broadband Consumer Disclosure Provider Instructions

Broadband Facts

Mobile broadband consumer disclosure

Device Compatibility

If you want to use your existing device, learn more about [compatibility](#).

[at underlined language provide a link regarding compatibility of devices if the customer brings their own device.]

If you want to obtain a device, learn more about [prices and other options](#).

[at underlined language provide a link to prices and other options for customers who wish to obtain a device from the provider]

Choose Your Data Plan - These prices do not include costs for obtaining a device from us.

	High Speed Data allowance per month		
	[]GB <i>[identify the monthly high speed data allowance associated with one of your most popular plans]</i>	[]GB <i>[identify the monthly high speed data allowance associated with one of your most popular plans]</i>	[]GB <i>[identify the monthly high speed data allowance associated with one of your most popular plans]</i>
Monthly charge	\$[] <i>[provide non-promotional price of the plan with this data allowance on a month-to-month basis]</i>	\$[] <i>[provide non-promotional price of the plan with this data allowance on a month-to-month basis]</i>	\$[] <i>[provide non-promotional price of the plan with this data allowance on a month-to-month basis]</i>
When you exceed the data allowance	[] <i>[if applicable, identify additional charges or other outcomes if the monthly data allowance for this plan is exceeded]</i>	[] <i>[if applicable, identify additional charges or other outcomes if the monthly data allowance for this plan is exceeded]</i>	[] <i>[if applicable, identify additional charges or other outcomes if the monthly data allowance for this plan is exceeded]</i>

Learn more about [other included services/features](#).

[if applicable, at underlined language provide a link to description of other included services and features such as voice and text or tethering and hot spots.]

Additional pricing options, plans and promotions [can be found here](#).

[at underlined language provide a link to additional mobile broadband offerings, including promotional offers and plans that bundle broadband with other services]

[Coverage Map](#)

[at underlined language provide a link to coverage map]

Charges and Terms Common to All Plans

Monthly fees

[identify any monthly fees that the company chooses to impose in connection with the customer's plan (e.g., a regulatory recovery fee or administrative fee) and for which all customers are charged the same fixed amount.]

[provide name of and amount of each monthly fee on a row] **\$[]**

One-time fees

[identify any one-time fees that the company chooses to impose in connection with the purchase of broadband service, e.g., activation fees; if applicable, identify any fees that will be imposed if the customer cancels broadband service before the end of a long-term contract and provide a link to a full explanation of when such fees would be triggered]

[provide name of and amount of each one-time fee on a row] **\$[]**

Government Taxes and Fees, and Other Carrier Surcharges May Also Apply: Varies by location

Performance - [Individual experience may vary](#)

[at underlined language provide a link to a full discussion of network performance metrics]

[]G
[identify the primary network technology for the plan (e.g., 4G, 3G)]

[]G
[identify other network technologies for the plan (e.g., 4G, 3G)]

Typical speed

*[] Mbps downstream /
[] Mbps upstream*

[identify typical peak usage period download and upload speeds for this network technology, consistent with the Open Internet Orders and FCC guidance]

Typical Speed

*[] Mbps downstream /
[] Mbps upstream*

[identify typical peak usage period download and upload speeds for this network technology, consistent with the Open Internet Orders and FCC guidance]

Typical latency

Less than [] milliseconds

[identify typical peak usage period latency for this network technology, consistent with the Open Internet Orders and FCC guidance]

Typical latency

Less than [] milliseconds

[identify typical peak usage period latency for this network technology, consistent with the Open Internet Orders and FCC guidance]

Typical Packet Loss

[] %

[identify typical peak usage period packet loss for this network technology consistent with the Open Internet Orders and FCC guidance]

Typical Packet Loss

[] %

[identify typical peak usage period packet loss for this network technology consistent with the Open Internet Orders and FCC guidance]

Network Management

Application-specific network management practices?

Yes/No

[answer yes or no; if yes, provide a brief description and a link to a full discussion that identifies application-specific network management practices, when such practices are triggered, and the effect such practices could have on performance]

Subscriber-triggered network management practices?

Yes/No

[answer yes or no; if yes, provide a brief description and a link to a full discussion that identifies subscriber-triggered network management practices]

management practices, when such practices are triggered, and the effect such practices could have on performance]

More [details on network management](#)

[at underlined language provide a link to the company's full disclosure of network management practices]

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